

John Quick
Greg Cooper
Hal & Marie Young
Robert Pendray
Mr. Codrun

City Engineer
Chief of Police
Residents
Contractor
Resident

Mayor Nielson called the meeting to order at 7:08 p.m. and stated that the notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette, and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

SKYLINE CONSTRUCTION

Council members inquired whether the work of Skyline Construction was completed on the Delta Estates project. The Council concurred that Skyline be paid the money retained for completion of the contract.

PUBLIC WORKS: UNIFORM ALLOWANCE

City Manager Jim Allan explained the cost and breakout of the uniforms for Public Works personnel, i.e., the Water, Sewer, Streets & Irrigation department workers. He explained that the Public Works Department received a 10% discount on the uniform purchase, which is in addition to the original 10% discount. The total bill was then \$1,799.24, allocated among the four departments as follows:

Water Works	22%
Sewer	22%
Streets	48%
Irrigation	7%

The average cost per man is \$202. The actual cost per man is \$280 for Neil, \$286 for Alan, \$290 for Roy, \$283 for Wade, \$280 for Randy, \$283 for Dan, \$284 for Ross and \$172 for Ned. The cost for the temporaries receiving part-issue uniforms is \$69, \$71, \$69, and \$71. The cost of uniforms will be charged to uniform allowances.

DENNIS WESTWOOD

Dennis Westwood submitted a bill for \$432, in which a salary of \$300 is listed. Because Mr. Westwood's contract lists him an independent contractor, he is not drawing a salary but is being provided a fee for services. This should be referred to as a monthly contract fee or a monthly retainer fee so that the distinction is clear.

Mayor Nielson suggested the Council approve Mr. Westwood's bill subject to his going through the Recorder to pick up the fee and to explain to him the following:

1. Mr. Westwood is to provide detailed information on monthly billing of his three accounts with Delta City, i.e., garbage pickup, dump maintenance and animal control.
2. The impound fee for animal control shall be changed from \$10.00 to \$5.00 per dog.

Council Member Ruth Hansen MOVED to pay the three accounts subject to Dennis Westwood meeting the requirements listed above. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

TOM HAMILTON, U.S. POSTAL SERVICE: EASEMENTS FOR U.S. POST OFFICE BOXES

After being recognized by Mayor Nielson, Delta Post Master Tom Hamilton addressed Delta City's Neighborhood Delivery and Collection Box Unit Right-of-Way Agreement prepared by the City and stated that his superiors in Salt Lake City would not accept this agreement. They feel that paragraphs 4, 5, 6, and 7 should be stricken from the agreement. Mayor Nielson stated that the Agreement prepared by the Postal Service protected the U.S. Postal Service and not Delta City. The Neighborhood Delivery and Collection Box Unit Right-of-Way Agreement prepared by the City Attorney protects the City and the Postal Service is not willing to go along with it, Mayor Nielson said.

The Delta City Council's position is that Delta City shall not be held liable for the U.S. Postal Service's actions. The U.S. Postal Service, on the other hand, does not wish to have this put into a written agreement. Mr. Hamilton stated the postal Service does want only an agreement between the City and the Postal Service in which permission is given to use the Delta City right-of-way for the mail boxes. Mr. Hamilton explained that if a lawsuit would occur in which the Postal Service is proven to be negligent in its use of the mail boxes, the Postal Service would pay the particular claim. However, the cost of the legal defense would be born by Delta City.

Mr. Hamilton said that the Postal Service Regional Manager of operational planning will be in Delta on September 6th and, if Mayor Nielson would be available, the Mayor and the manager could get together and discuss these problems.

It was suggested that the Mayor meet with the manager of operational planning and find out what has been accepted in other communities. It was decided that Mayor Nielson, Manager Allan, and Attorney Peterson would meet with the Postal Service representative in September.

GAYLE BUNKER: APPROVAL OF NOR DEL SUBDIVISION FINAL PLAT

The Planning and Zoning committee voted unanimously to approve the final plat of NorDel Subdivision if the subdivision meets the requirements of the Delta City Engineer.

Gayle Bunker displayed a plat map of the proposed Bunker NorDel Subdivision and described the location of property near 350 East and 450 North. In the proposal, there are six lots; however, two lots must be eliminated because they are located over an open field drain. The field drain cuts off nearly 40 feet of the two end lots; therefore, Mr. Bunker wishes to consider developing these two lots at a later date.

Mayor Nielson stated that there is a recommendation from the Planning and Zoning Commission by unanimous vote that Delta City Council approve the final plat for NorDel Subdivision Phase I, subject to meeting the requirements of the Delta City Engineer.

Council Member Craig Greathouse MOVED to approve the NorDel Phase I final plat. Council Member Ruth Hansen SECONDED the motion. The motion carried unanimously.

MAYOR GRANT NIELSON: WATER DEDICATION FOR DELTA ESTATES

Attorney Peterson referred to minutes from City Council meetings in 1968 when water rights for Delta Estates were considered. The minutes do not identify any water rights, but rather the right to connect to the system. There is reference to John Day having prepared a paper for the City to review and to consider signing, but this document has not been found.

Council Member Craig Greathouse MOVED to delay the decision for a week so that Rex Day could attend to discuss this issue with the Council. Neil Dutson SECONDED the motion. The motion carried unanimously.

ATTORNEY WARREN PETERSON: PROPOSED ORDINANCE REPEALING RESIDENCY REQUIREMENTS FOR DELTA CITY EMPLOYEES

Mayor Nielson asked City Attorney Warren Peterson to present the proposed City employee residency requirement ordinance. Attorney Peterson stated that this ordinance was prepared as instructed by the City Council. He said the proposed ordinance codifies the residency requirement as part of the Code of Ordinances. This ordinance supersedes the Personnel Policy and repeals Ordinance 82-39, the previous residency ordinance. Attorney Peterson said he has written the ordinance so that policies and procedures supplementing the residency requirements can be adopted by resolution in the future.

Mayor Nielson preferred that the new ordinance include the positions of City Manager and Building Inspector. The Mayor also expressed the desire that the revised ordinance permit the City Council to make exceptions. For instance, he said, it may impose a hardship to require a City Manager or Building Inspector to immediately move to Delta.

Council Member Ruth Hansen asked if the City Manager and Building Inspector should be excluded from the effect of the ordinance. Attorney Peterson was asked to respond to the suggestion. Attorney Peterson stated that, from a technical standpoint, there is nothing wrong with this idea if the criteria used were applied uniformly to other employees. Council Member Greathouse

raised the question about propriety, asking whether the perception of personality versus need could be at issue. A well-defined criteria for requiring residency would eliminate such a problem, he said, such as a list for variance, e.g., availability of housing, adverse economic impact to move, longevity of the position, etc. Attorney Peterson thought it better to have such a list rather than grant variances without criteria. Without such a definition or qualification, the City Council's actions might be perceived as arbitrary and without uniformity, he said.

Council Member Greathouse agreed with Mayor Nielson on including the City Manager and Building Inspector positions in the residency ordinance and stated that there should be a yearly status review for any exceptions.

Council Member Ruth Hansen MOVED to table the Ordinance so that Attorney Peterson could make the changes discussed by the City Council. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

DELL ASHBY: REQUEST FOR LETTER REGARDING THE ZONING OF THE OLD SWIMMING POOL PROPERTY

Dell Ashby, representing the West Millard Hospital Service District, presented for Council's approval environmental information regarding construction of a Senior Housing Complex consisting of 20 to 32 units on Lot 2, Plat A, Block 53, Delta Town Site. Mr. Ashby stated that he would like written clarification from Delta City of whether the construction of such a complex would be approved at that location.

Mr. Ashby described the proposed Senior Housing Complex to the Council. He stated that people living in the housing center will be age 62 or older with a low income. Senior Citizens with an income of less than \$8,000 would be subsidized housing rates. If their income is \$8,000 to \$14,500, the regular rate would be required.

Following further discussion of the Senior Housing Complex, Council Member Neil Dutson MOVED that the Council write a letter to West Millard Hospital District confirming that this complex is compatible with existing zoning use. Council Member Kjell Jenkins SECONDED the motion. The motion carried unanimously.

MIKE CHRISTENSEN, XEROX REPRESENTATIVE: COPIER PROPOSAL

Following a discussion of a Xerox copier and available services, Mayor Nielson tabled the matter in order to review the contract on the Toshiba copier which the City is presently leasing and to determine availability of funding for a new copier.

CITY ENGINEER JOHN QUICK: APPROVAL OF PHASE III SEWER, SCHEDULES 1 & 2 TO INTERSTATE CONSTRUCTION COMPANY

City Engineer John Quick stated that he had received the contract documents from Interstate Construction on Sewer Improvements Project, Phase III, Schedules 1 and 2, including a Certificate of Insurance which requires

review by Attorney Peterson. Mr. Quick requested authorization to have the contract with Interstate Construction signed, once it has been reviewed by Attorney Peterson.

After a brief discussion, Council Member Neil Dutson MOVED to authorize Mayor Grant Nielson to sign the contract. Council Member Kjell Jenkins SECONDED the motion. The motion carried unanimously.

CITY ATTORNEY WARREN PETERSON: SET PUBLIC HEARING DATE FOR STREET VACATION OF 350 WEST STREET BETWEEN 250 SOUTH AND 350 SOUTH

Mayor Nielson brought to the attention of the Council that the address listed on the public hearing notice for vacation of a portion of 350 West Street was incorrect and stated that the Public Hearing on the proposal had to be postponed until the correct address was given. The correct address is 350 West Street between 350 North and 400 North.

CITY MANAGER JIM ALLAN: BUILDING INSPECTOR FOR SPECIAL ASSIGNMENTS

City Manager Jim Allan stated that he and Robyn Pearson from the Millard County Offices had discussed possible back-up for Building Inspectors so that the City and the County could meet their respective responsibility in insuring proper construction inspection. The Delta City Building Inspector is not always available for inspection, Mr. Allan said, so a possible solution to the problem is to have a back-up building inspector who could act officially for the City's interest through an agreement between Millard County and Delta City.

Mr. Allan said the Millard County Commission is agreeable to Steve Young acting as the City's back-up Building Inspector. He suggested the agreement could state that the City is willing to pay for any expenses that the County might incur by having its inspector act in behalf of the City or that there is no retainer fee necessary since the cost for the back-up building inspector is based on a mutual exchange of services.

Mr. Allan stated that Ray Valdez, the Delta City Building Inspector, concurs with the idea, since he is not always available.

Council Member Ruth Hansen MOVED to authorize Jim Allan to negotiate a contract with the County for a back-up Building Inspector for special assignments as required. Council Member Craig Greathouse SECONDED the motion. The Mayor called for a vote on the motion. Voting is as follows:

Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes
Council Member Kjell Jenkins	No
Council Member Neil Dutson	No
Mayor Grant Nielson	Yes -- Due to a tie vote, the Mayor was asked by the Council to cast his vote to break the tie.

The motion passed.

CITY COUNCIL MEMBER NEIL DUTSON: REVIEW OF SETBACKS IN THE WHITE SAGE DEVELOPMENT AREA

Council Member Neil Dutson stated that Mayor Nielson had asked Ray Valdez, Delta City Building Inspector, to measure the setback for each home in the White Sage Subdivision. Mr. Valdez asked Council Member Dutson to go with him to measure the setbacks.

After further discussion, Council Member Kjell Jenkins stated that the setbacks in the White Sage Subdivision had been reviewed, and the MOVED that the Council take no action at this time. Council Member Neil Dutson SECONDED the motion. The motion carried unanimously.

CITY CHIEF OF POLICE GREGORY COOPER: POLICE SURVEY

City Attorney Warren Peterson expressed Chief Cooper's apology for being unable to attend this meeting, due to a death in the family.

CITY ATTORNEY WARREN PETERSON: DISCUSSION REGARDING PARK DEDICATION FEES

Attorney Peterson reviewed with the Council past City policies regarding impact fees and park dedication. In the past the City required that the annexation petitioner dedicate 7% of the annexed land or pay in cash the value of 7% of the undeveloped land. For subdivisions there is a second fee imposed of 7% of the value of the unimproved land. The total of the two is 14%.

In March of 1983 when the annexation policy was amended, the 7% annexation fee was eliminated in anticipation that the Council would adopt a Parks Development Impact Fee on each building permit granted within Delta City. That ordinance was prepared and proposed in May of 1983 and has never been acted on. One element of the Parks Development Impact Fee ordinance is that subdivision impact fee funds should be converted to Parks Fees and should be used for capital improvements in parks.

Mr. Peterson reported that the Evans and Taggart Meadow Park Subdivision has had the 14% levy imposed on them and they are the only subdivision that has had to pay the full 14%. Evans and Taggart are building on a per lot basis and the City has been assessing them 14%, which they are paying under protest.

Attorney Peterson suggested that if the Council adopts the parks impact fee, that the Council authorize a refund to Evans and Taggart of the second 7% since the Council has the authority to waive any requirement in the Subdivision Ordinance. This matter is to appear on next weeks' agenda to waive 7% for Evans and Taggart in the Meadow Park Subdivision.

MAYOR GRANT NIELSON: DISCUSSION OF FILLING VACANCY FOR COUNCIL MEMBER

Mayor Nielson stated that the Council needs to make a decision as to Council Member Kjell Jenkins' replacement. It was suggested that the position be

open to interested people and give them time at City Council meeting to address the Council.

Council Member Neil Dutson MOVED to publicize and advertise the vacant position this week by newspaper and radio, and that the interested candidates should call in by Monday, August 27, 1984, at 5:00 p.m. A special meeting will be held on 4 October 1984 for selecting a new Council Member. Council Member Ruth Hansen SECONDED the motion. The motion carried unanimously.

OTHER BUSINESS

Council Member Ruth Hansen said that something needs to be done about the weeds that grow along the roads. It was decided that the City would ask the residents to spray for White Top, Morning Glory and Puncture Weeds on their property and on City streets fronting their property.

Warren Peterson reported that Ms. Jane Beckwith asked him to pass on to the Council the recommendation that the Library Board be appointed as the Interim Historical Board. This is to be placed on next week's agenda as "Designation of the Library Board as Interim Historical Board."

Council Member Kjell Jenkins stated that there is a need to bid out the Cleaning Contract for the Delta Municipal Building.


Council Member Craig Greathouse asked if the specifications for the new pumper truck to be ordered by the Fire Department have been sent out. Also, he reported that Carol Worthen had asked him what can be done about the patrons of the business located next to her parking on her lawn.

Council Member Craig Greathouse suggested that the Council be given proper notice of items to be on the agenda.

Council Member Craig Greathouse mentioned the Sugar Factory Row Annexation. After a short discussion, the Council decided to let the people in that area petition for annexation.

Council Member Neil Dutson asked about the drainage west of the Delta South Elementary School. This was placed on next week's agenda.

Council Member Neil Dutson MOVED the meeting be adjourned. The motion was SECONDED by Council Member Kjell Jenkins. The meeting was adjourned at 11:09 p.m.


GRANT S. NIELSON, Mayor

Attest: 
DOROTHY JEFFERY
Delta City Recorder